

The liability of stockholders under this section to creditors is absolute and primary; hence, the former may be sued without exhausting remedy against the corporation. Matters which do not discharge the stockholder from liability. *Knickerbocker Trust Co. v. Myers*, 133 Fed. 764 (based on act of 1892, ch. 109). And see *Myers v. Knickerbocker Trust Co.*, 139 Fed. 111; *Republic Iron, etc., Co. v. Carlton*, 189 Fed. 130.

Cited but not construed in *Nagel v. Ghingher*, 166 Md. 241.

Cited in *Ghingher v. Bachtell*, 169 Md. 686.

This section referred to in construing Art. 11, Sec. 97. *Fooks' Executors v. Ghingher*, 172 Md. 624.

Cited in dissenting opinion relative to stockholders' liability under Art. 11, Sec. 97. *Allender v. Ghingher*, 170 Md. 169.

A stockholder may be sued on his liability by virtue of this section, under the practice act of 1886, ch. 184, applicable to Baltimore City. *Coulbourn v. Boulton*, 100 Md. 354. And see *Norris v. Wrenschall*, 34 Md. 492.

This section referred to in construing sec. 147—see notes thereto. *Miners' Bank v. Snyder*, 100 Md. 66; *Myers v. Knickerbocker Trust Co.*, 139 Fed. 111 (affirming 133 Fed. 764); *Knickerbocker Trust Co. v. Cremen*, 140 Fed. 973.

The act of 1892, ch. 109, sec. 85L, referred to in construing sec. 28—see notes thereto. *Md. Trust Co. v. Mechanics' Bank*, 102 Md. 619.

The act of 1892, ch. 109, cited but not construed in *Penniman v. Miners' Bank*, 100 Md. 456.

As to the liability of stockholders of banks and trust companies, see art. 11, sec. 97.

An. Code, 1924, sec. 148. 1912, sec. 117. 1904, sec. 105. 1904, ch. 337, sec. 85L 1.

147. The exclusive remedy for the enforcement against stockholders of all rights existing under the preceding section as said section stood before the repeal thereof by the act of 1904, entitled "An Act to repeal section 85 L of article 23 of the code of public general laws, title 'Corporations,' sub-title 'General Regulations,' as enacted by the acts of, 1892, chapter 109, and to re-enact the same with amendments," and existing at the time of the passage thereof, and which were declared by said act not to be affected by the terms thereof, shall be, as against stockholders residing in the State of Maryland, by bill in equity in the nature of a creditors' bill filed against such stockholders by one or more creditors on behalf of themselves and all other creditors of the corporation who may come in and make themselves parties thereto, in a court having jurisdiction within the limits of the county or the city of Baltimore, in which, as the case may be, the principal office of the corporation is situated at the time of the filing of the bill, or, in case any such corporation has, by reason of having been placed in the hands of a receiver, or from any other cause, ceased to have any principal office at the time of the filing of the bill, then the bill shall be filed in a court having jurisdiction within the limits of the county or the city of Baltimore in which, as the case may be, the said corporation had its last principal place of business; and to any such bill stockholders residing beyond the limits of the State of Maryland may become parties defendant, and upon so becoming parties shall not be proceeded against in any other State or territory or in the District of Columbia in respect of any liability imposed by the said section 85 L, as said section stood before the repeal thereof, and which existed at the time of the passage of the act of 1904 hereinbefore referred to. This section shall become operative as of January 1, 1903, and shall cause the abatement of all actions at law which shall have been brought against said stockholders since that date to enforce any liability created by section 85 L as said section stood before the repeal thereof, and which existed at the time of the passage of the act of 1904 hereinbefore referred to; provided, however, that as to any plaintiff or plaintiffs in any of said abated suits who shall within sixty days from the passage of this act become a party or parties to a bill in equity of the character mentioned in this section, then, as regards the operation of the statute of limitations upon the claims so sued on, the time elapsed between